

REMARKS:

Applicant elects Group I, claim(s) 1-24,40,44,43 and 48-71, but with a strong traverse.

The restriction is based on the premise that "currently, no claims are generic." A comparison of claim 25 with the additions of claim 1 unequivocally show the basis for the restriction to be in error. Specifically, such a comparison shows:

A drainage device for draining a space or cavity defined by a wall, the drainage device comprising:

a) a first component comprising a proximal segment, an intermediate segment and a distal segment, where the intermediate segment and the distal segment function as an occlusion removing structure segment; and

b) a second component that functions as a drain;
where the drainage device comprises a proximal end and a distal end;
where the proximal end of the proximal segment comprises an instrument for creating an opening in the wall of the space or cavity;

where the intermediate segment comprises a proximal end and a distal end, and further comprises a hollow tube comprising a wall with an outer surface and an inner surface defining a central lumen;

where the distal segment comprises an elongated tubular mesh comprising a proximal end, a distal end, an outer surface and an inner surface defining a central lumen;

where the second component comprises a proximal end and a distal end, and further comprises a hollow tube comprising a wall with an outer surface and an inner surface defining a central lumen;

where the first component and the second component are non-integrally connected; ~~and~~

where the first component further comprises a proximal segment comprising a proximal end and a distal end;

where the distal end of the proximal segment is connected to the proximal end of the intermediate segment; and

where the distal end of the intermediate segment is connected to the proximal end of the distal segment.

The above comparison clearly shows that the lead claim for most of the claims of Group I is altogether within the scope of the lead claim for most of the claims of Group II. In other words, claim 25 is generic to at least most claims in Group I. Hence, as Group II is generic to

most of the claims in Group I, such that its restriction is inconsistent with the premise of the asserted restriction, and otherwise in error.

There is language in the office action that uses the language of "election of species," but no such election is elucidated. Accordingly, Applicants surmise that the language is present in error. Regardless, Applicants cannot respond when they have not been told what the question is. Accordingly, Applicants have made as complete a response as is possible.

The claim election should not be interpreted as a de facto election of species – but merely the pragmatic choice made in the face of a restriction requirement made in error.

The undersigned appears only for the purpose of responding to this particular paper, and has not made a general appearance in this matter.

Conclusion

Prompt examination on the merits is earnestly requested.

Respectfully submitted,

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